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ABELMAN, FRAYNE & SCHWAB
666 Third Ave.
New York NY 10017-5621

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DEC 07 2007

OFFICE OF PETITIONS

In re Application of	:	
JARALLA	:	
Application No. 10/533,490	:	ON PETITION
Filed: April 28, 2005	:	FOR HIGHER LEVEL REVIEW
Attorney Docket No. 206,973	:	

This is a decision on a renewed petition or a request for reconsideration at a higher level filed July 10, 2007, which is treated as a petition under 37 CFR 1.10(c) requesting that the submission of the formal corrected drawings for the above-identified application be considered as filed on January 3, 2007, instead of the currently accorded submission date of January 4, 2007.

The petition is **DISMISSED as moot.**

Petitioner alleges that the issue fee, the publication fee, and drawings were deposited with the United States Postal Service on January 3, 2007 using Express Mail Service. As stated in the previous decision of June 7, 2007, petitioner has provided sufficient evidence that the issue and publication fees were timely submitted on January 3, 2007 because the Express Mail label number was placed on the fee transmittal sheet or a paper that constitutes a correspondence. Additionally, the decision noted that the January 3, 2007 submission of the issue and publication fees is timely in view of an official correspondence from the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, entitled, "Closing of the United States Patent and Trademark Office on Tuesday, January 2, 2007. This correspondence explains that the Office was not open on January 2, 2007, and as such, "[a]ny action or fee due on Tuesday, January 2, 2007, will be considered as timely for purposes of, e.g., 35 U.S.C. §§ 119, 120, 133, and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Wednesday, January 3, 2007."

The timely filing of the issue and publication fees has not been disputed in petitioner's renewed petition of July 10, 2007. On reconsideration and relying on a postcard receipt, petitioner has argued that the corrected drawings were also submitted on January 3, 2007.

It has recently come to the Office's attention that a Notice Regarding Drawings (Notice) and a Notice of Draftsperson's Drawing Review were apparently mailed to applicant on December 18,

2006.¹ The Notice set a non-extendable two-month period for response and, thus, extended the period for responding to the corrected drawing requirement until February 18, 2007. In light of this Notice, the formal drawing submission received by the Office on January 4, 2007 is considered timely regardless of whether the formal drawings are accorded a January 3, 2007 or January 4, 2007 submission date.

Based on the above, the Notice of Abandonment of June 20, 2007 was mailed in error and is, hereby, vacated. The Office regrets any inconvenience.

Please note that Office records reflect the Notice of Abandonment mailed June 20, 2007 was returned to the Office as undeliverable. This Notice was mailed to: Abelman Frayne & Schwab, 666 Third Ave., 10th Floor, New York, NY 10017-5621. This address matches the last Change of Address received on January 4, 2007. Slightly inconsistent with the Change of Address submitted on January 4, 2007, the petition filed July 10, 2007 includes a letterhead with an address of: Abelman Frayne & Schwab, 666 Third Avenue, New York, NY 10017-5621. Petitioner should review the record and provide the Office with a viable correspondence address. See MPEP 601.03, 711.03(c) and 2501.

Telephone inquiries concerning this matter may be directed to Denise Pothier at (571) 272-4787.

The application will be forwarded to the Office of Publication for further processing.

A handwritten signature in dark ink, appearing to read 'Charles Pearson', followed by a long horizontal line extending to the right.

Charles Pearson
Director
Office of Petitions

enc: Notice Regarding Drawings mailed December 18, 2006
Notice of Draftsperson's Drawings Review referring to drawings filed on 4/28/05 (PTO-948)

cc: ABELMAN, FRAYNE & SCHWAB
666 Third Ave., 10th Floor
New York NY 10017-5621

¹ These Notices appear to have been sent to an incorrect address: Abelman Frayne & Schwab, 150 East 42nd Street, New York, NY 10017-5612. The applicant notified the Office of a change of address on October 16, 2006 to: Abelman Frayne & Schwab, 666 Third Avenue, 10th Floor, New York, NY 10017-5621.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER 10/533,490	FILING/RECEIPT DATE 11/30/2005	FIRST NAMES APPLICANT ABDULGHANI JARALLA	ATTORNEY DOCKET NUMBER 266,973
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ABELMAN FRAYNE & SCHWAB
150 EAST 42ND STREET
NEW YORK, NY 10017-5612

Examiner
ROGERS, DAVID A
Art Unit Paper Number
2856

Date Mailed:12/18/2006

Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 04/28/2005 are still not acceptable for the reason(s) identified below. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

Clifton B. Randolph
Office of Patent Publication,
Publishing Division
703-305-0333 ext-128

10/533490

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 4/28/05 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. **DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) _____
☐ Pencil and non black ink not permitted. Fig(s) _____

2. **PHOTOGRAPHS.** 37 CFR 1.84(b)

☐ One (1) full-tone set is required. Fig(s) _____
☐ Photographs may not be mounted. 37 CFR 1.84(e)
☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____
☐ Poor quality (half-tone). Fig(s) _____

3. **TYPE OF PAPER.** 37 CFR 1.84(e)

☐ Paper not flexible, strong, white, and durable. Fig(s) _____
☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____

4. **SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or
 21.6 cm by 27.9 cm (8 1/2 x 11 inches)
☐ All drawing sheets not the same size. Sheet(s) _____

☐ Drawings sheets not an acceptable size. Fig(s) _____

5. **MARGINS.** 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
☐ Margins not acceptable. Fig(s) _____

☐ Top (T) ☐ Left (L)
☐ Right (R) ☐ Bottom (B)

6. **VIEWS.** 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☐ Views not labeled separately or properly. Fig(s) _____

7. **SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)

☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

8. **ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. **SCALE.** 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____

10. **CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(l)

☒ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 1-4

11. **SHADING.** 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) _____
☐ Solid black shading not permitted. Fig(s) _____

12. **NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)

☒ Numbers and reference characters not plain and legible. Fig(s) 1-4

☒ Figure legends are poor. Fig(s) 1-4
☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____

☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____

☐ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) _____

13. **LEAD LINES.** 37 CFR 1.84(q)

☐ Lead lines missing. Fig(s) _____

14. **NUMBERING OF SHEETS OF DRAWINGS.** 37 CFR 1.84(t)

☐ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) _____

15. **NUMBERING OF VIEWS.** 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. **DESIGN DRAWINGS.** 37 CFR 1.152

☐ Surface shading shown not appropriate. Fig(s) _____

☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

COMMENTS:

Reviewer

EPR

If you have questions, call (703) 305-8404.

Date

12/18/06

Attachment to Paper No.